

## IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

|                   |                           |                        |                |
|-------------------|---------------------------|------------------------|----------------|
| Applicant:        | WALDNER et al.            | Examiner:              | Unknown        |
| Serial No.:       | 10/538,515                | Group Art Unit:        | Unknown        |
| Filed:            | 9 June 2005               | Docket:                | 12684.0015USWO |
| Confirmation No.: | 2315                      | Notice of Allow. Date: | N/a            |
| Due Date:         | 28 September 2007         |                        |                |
| Title:            | INHALATION THERAPY DEVICE |                        |                |

## CERTIFICATE UNDER 37 CFR 1.10:

"Express Mail" mailing label number: EV 628406002 US

Date of Deposit: 12 September 2007

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By: 

Name: Ranell F. Schmidt

Mail Stop PCT  
Commissioner for Patents  
P.O. Box 1450  
Alexandria, Virginia 22313-1450

**23552**

PATENT TRADEMARK OFFICE

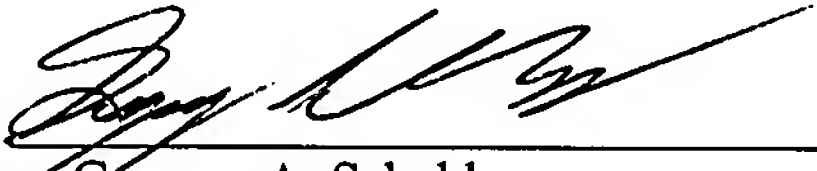
Sir:

We are transmitting herewith the attached:

- ☒ Transmittal Sheet in duplicate containing Certificate of Mailing
- ☒ Signed Combined Declaration and Power of Attorney
- ☒ Petition for Extension of Time
- ☒ Please charge our Deposit Acct. No. 13-2725 in the amount of \$1590.00 for Petition for Extension of Time
- ☒ Other: Communication Regarding Submission of Declaration, Copy of Decision mailed 28 March 2007
- ☒ Return postcard

Please consider this a PETITION FOR EXTENSION OF TIME for a sufficient number of months to enter these papers or any future reply, if appropriate. Please charge any additional fees or credit overpayment to Deposit Account No. 13-2725. A duplicate of this sheet is enclosed.

Merchant & Gould P.C.  
P.O. Box 2903  
Minneapolis, MN 55402-0903  
612.332.5300

By:   
Name: Gregory A. Sebald  
Reg. No.: 33,280  
GAS/cjc



S/N 10/538,515

PATENT

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By: 

Name: Ranell F. Schmidt

COMMUNICATION REGARDING SUBMISSION OF DECLARATION

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Dear Commissioner:

Applicants respectfully submit a substitute declaration in response to the Decision mailed 28 March 2007.

If a telephone conference would be helpful in resolving any issues concerning this communication, please contact Applicants' primary attorney-of record, Gregory A. Sebald (Reg. No. 33,280), at (612) 336-4728.

Respectfully submitted,

MERCHANT & GOULD P.C.  
P.O. Box 2903  
Minneapolis, Minnesota 55402-0903  
(612) 332-5300

**23552**

PATENT TRADEMARK OFFICE

Dated: 12 September 2007

By 

Gregory A. Sebald  
Reg. No. 33,280

GAS/cjc



28 MAR 2007

UNITED STATES PATENT AND TRADEMARK OFFICE

Commissioner for Patents  
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23552  
MERCHANT & GOULD PC  
P.O. Box 2903  
Minneapolis, MN 55402-0903

In re Application of  
WALDNER *et al*  
Application No.: 10/538,515  
PCT No.: PCT/EP03/13959  
Int. Filing Date: 09 December 2003  
Priority Date: 09 December 2002 ✓  
Attorney Docket No.: 12684.0015USWO  
For: INHALATION THERAPY DEVICE

DECISION  
: Reg. for Reconsideration  
: Zmo May 28, 2007  
: Stat Sep 28, 2007 D,

This decision is in response to the "Communication Regarding Reconsideration of Petition" filed 09 March 2007.

### BACKGROUND

On 03 November 2006, a decision dismissing applicants' petition to change the name of an inventor was mailed. Applicants were given two months to respond.

On 09 March 2007, applicants filed a renewed petition which was accompanied by a three-month extension and fee and an English translation of a German court document.

### DISCUSSION

As previously stated, section 605.04(c), *Inventor Changes Name*, of the MPEP lists the procedures required to change the name of an inventor and states, in part:

The petition must include an appropriate petition fee and an affidavit signed with both names and setting forth the procedure whereby the change of name was effected, or a certified copy of the court order.

The initial petition to change the name of the second inventor to MUNDENBRUCH was dismissed because petitioner did not provide an English translation of the official document used to show the name change of the inventor.

In the renewed petition, applicants have provided an English translation of the document as required. This verifies the change of name and is sufficient for a

grantable petition.

### CONCLUSION

For the reasons above, the renewed petition under 37 CFR 1.182 is **GRANTED**.

The family name of the second inventor has been changed to MUNDENBRUCH.

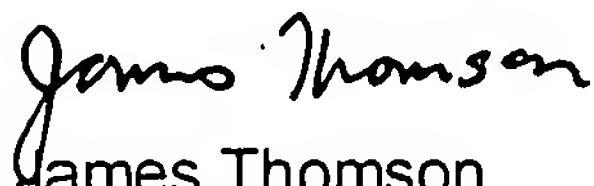
A review of the declaration submitted 10 November 2005 shows that the pen and ink change of the name to Mundenbruch was not initialed. This is not acceptable. Section 605.04(a) of the MPEP states that:

Any changes made in ink in the application or oath prior to signing should be initialed and dated by the applicants prior to execution of the oath or declaration. The Office will not consider whether noninitialed and/or nondated alterations were made before or after signing of the oath or declaration but will require a new oath or declaration."

A new declaration in compliance with 37 CFR 1.497(a) and (b) is required.

Applicants must provide an acceptable declaration within **TWO (2) MONTHS** from the mail date of this decision. Extensions of time may be obtained under 37 CFR 1.136(a). Failure to provide an acceptable declaration within the time provided will result in the **ABANDONMENT** of the application.

Please direct further correspondence with respect to this matter to Mail Stop PCT, Commissioner for Patents, Office of PCT Legal Administration, P.O. Box 1450, Alexandria, Virginia 22313-1450, with the contents of the letter marked to the attention of the Office of PCT Legal Administration.



James Thomson  
Attorney Advisor  
Office of PCT Legal Administration

Tel.: (571) 272-3302